

**CITY OF LEADVILLE, COLORADO**  
**Ordinance No. 7**  
**Series of 2017**

**AN ORDINANCE AMENDING SECTIONS 6.04.010, 6.04.040, AND 6.04.050 OF  
CHAPTER 6.04 OF THE LEADVILLE MUNICIPAL CODE CONCERNING ANIMAL  
CONTROL**

**WHEREAS**, the City Council has the authority pursuant to C.R.S. § 31-15-401 and its general police powers to pass and enforce regulations which may be necessary or expedient for the promotion of the health, safety and welfare of the citizens of Leadville; and

**WHEREAS**, the City Council also has the authority pursuant to C.R.S. § 31-15-401 to regulate and to prohibit the running at large and keeping of animals, including but not limited to licensing, impoundment, and disposition of impounded animals; and

**WHEREAS**, the City previously adopted certain regulations concerning animal control as codified in Chapter 6.04; and

**WHEREAS**, the City Council wishes to amend Chapter 6.04 of the Leadville Municipal Code to increase the penalties for violations of the same and add definitions in order to clarify the language in the Municipal Code; and

**WHEREAS**, it is in the best interest of the people of the City of Leadville to update the Leadville Municipal Code in order to better address the risks and dangers to the City's residents and the general public posed by vicious pets running at large.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF CITY OF LEADVILLE, COLORADO, as follows:

**Section 1.** Section 6.04.010 entitled Definitions, is hereby amended to read in full as follows:

**6.04.010 – Definitions.**

As used in this chapter, unless the context clearly indicates otherwise, the following words shall be defined as follows:

"Adult dog" means any dog more than six months of age.

"Animal" means any living dumb creature.

"Animal control officer" means any person employed or appointed by the city to enforce the laws of the city pertaining to animals.

"Animal shelter" means any facility contracted by the city for the purpose of impounding or caring for animals held under the authority of the laws, regulations, or ordinances of a state, county or city.

"At large" means any animal which is off of or away from the premises of its owner, possessor or keeper and not under the control of such owner, possessor or keeper, or the agent, servant or a member of the immediate family of such person. An animal within the automobile or other vehicle of its owner shall be deemed to be upon the owner's premises. "Running at large" shall not apply to dogs while actually working livestock, locating or retrieving wild game in season for a licensed hunter, or assisting law enforcement officers or while actually being trained for any of the pursuits. Animals, other than horses, donkeys, burros, and other such working animals, tethered to a stationary object within reach of a street, sidewalk, alley, or trail are deemed to be "at large."

"Bear incident" means an occurrence within the city involving maiming or death of one or more chickens or significant damage to a chicken coop or enclosure by a bear.

"Bite" means the action of an animal to seize a person or animal with its teeth or jaws so that the person or animal has been nipped, gripped, wounded or pierced.

"Bodily injury" has the same meaning as such term as defined in Section 18-1-901(3)(c), C.R.S.

"Breeder" means any person who breeds animals for profit or whose animals produce more than one litter of animals in one calendar year.

"Commercial animal establishment" means any pet shop, grooming shop that grooms and boards animals, guard dog facility, animal auction, riding school, stable, zoological park, circus, performing animal exhibition, boarding, or breeding kennel or other establishment which handles live animals for profit.

"Control," as used in the definition of "animals running at large prohibited" means physical control of an animal by a leash, cord, or chain not more than six feet in length.

"Dog" means any domesticated animal related to the fox, wolf, coyote, or jackal.

"Domestic animal" means any dog, cat, any animal kept as a household pet, or livestock.

"Euthanasia" means to produce a humane death by techniques accepted by the American Veterinary Medical Association.

"Fowl" means any birds other than chickens and domesticated birds such as parakeets and parrots, including, but not limited to ducks, geese, turkeys, pheasant and pigeons.

"Injure" means physical pain, illness, or any impairment of physical or mental condition.

"Keeper" means a person who has custodial or supervisory authority or control over an animal.

"Leash" or "lead" means a thong, cord, rope, chain or similar device, which holds an animal in restraint.

"Licensed kennels" mean any place or premises used in whole or in part for the purposes of boarding pet animals for compensation and which is duly licensed as a boarding kennel under the provisions of Part One, Article 57, Title 12, C.R.S.

"Licensing authority" means the Lake County health department.

"Livestock" includes, but is not limited to, cattle, horses, mules, burros, llamas, sheep, goats, hogs, rabbits, cats, pigs, swine, snakes or foxes.

"Owner" or "owns" means any person, firm, corporation, or organization owning, possessing, harboring, keeping, having financial or property interest in, or having control or custody of a domestic animal.

"Pet animals" mean dogs, cats, rabbits, guinea pigs, hamsters, mice, snakes, iguanas, turtles, and any other species of wild or domestic animals sold or retained for the purpose of being kept as a household pet; except that skunks, monkeys, and other subhuman primates shall not be defined as pet animals for the purposes of this title.

"Pet shop" means every place or premises where pet animals are kept for the purpose of either wholesale or retail sale and which is licensed as a pet shop under the provisions of Part One, Article 57, Title 12, C.R.S.

"Person" means any individual, firm, partnership, corporation, or association.

"Serious bodily injury" has the same meaning as such term defined in Section 18-1-901(3)(p), C.R.S.

"Vicious" or "dangerous" animal means a domestic animal that:

1. Inflicts bodily injury or serious bodily injury upon or causes the death of a person or domestic animal; or;
2. Demonstrates or has demonstrated tendencies that would cause a reasonable person to believe that the animal may inflict bodily injury or serious bodily injury upon or cause the death of any person or domestic animal; or
3. Engages in or is trained for animal fighting as described and prohibited in Section 18-9-204, C.R.S.

**Section 2.** Section 6.04.040 entitled Animals running at large, is hereby amended to read in full as follows:

**6.04.040 – Animals running at large.**

- A. No person shall suffer or permit any animal of which he or she is owner, custodian, or keeper to run "at large" within the city. The city shall impound any such animal.
- B. No animal shall be permitted in any public place, unless under the control of its owner or keeper. Public places include, but are not limited to, public property, parking lots, churches, cemeteries, parks and schools. Except service animals, as defined in the implementing regulations of Title II and Title III of the federal "Americans with Disabilities Act of 1990", 42 U.S.C. sec. 12101 et seq., no dog shall be permitted in areas visibly marked "dogs prohibited" or other similar designation.
- C. Any owner, keeper or custodian that violates the provisions of this section shall be punished as follows:
  1. Such person shall be assessed a penalty of fifty dollars (\$50.00) if the animal is spayed or neutered. If the animal is not spayed or neutered the penalty shall be one hundred dollars (\$100.00). If the person presents proof that the animal has been spayed or neutered since the date of the offense the penalty shall be fifty dollars (\$50.00).
  2. Upon conviction for a second or subsequent offense such person shall be punished as provided in Chapter 1.20.10 of the Leadville Municipal Code.
  3. If the animal is determined to be vicious or dangerous by the responding officer then the offense shall be prosecuted and punishable as provided under Section 1.20.10 of this code and a court may order restitution for any damages caused by the animal and for the cost to the City to capture and confine such animal.

**Section 3.** Section 6.04.050 entitled Vicious animals, is hereby amended to read in full as follows:

**Sec. 6.04.050 Vicious animals**

- A. It is unlawful for any owner, custodian, or keeper of a vicious dog to fail to prevent a vicious dog from running at large within the city. It shall be an affirmative defense to charges under this section that the actual or intended victim of any attack has threatened to attack or attacked an owner, custodian, or keeper of the animal.
- B. A person commits ownership of a dangerous dog if such person owns, possesses, harbors, keeps, has a financial or property interest in, or has custody or control over a dangerous dog.
- C. The animal control officer or any police officer shall impound any animal which is reasonably believed to be vicious and is not in compliance with subsections A and B of this section.
- D. Any animal that has bitten any person or animal shall be impounded by the code enforcement officer or any other officer, unless proof of a current rabies vaccination has been provided.
- E. Report of Animal Bites.
  - 1. Any owner, custodian, or keeper of an animal that bites a person shall immediately notify the animal control officer or a police officer.
  - 2. It shall be the duty of every physician and medical practitioner practicing in the city to report to the animal control officer or the police department the name and address of the owner of any animal that has caused any person to be treated for bites or wounds inflicted by an animal, together with all available information necessary for rabies control.
  - 3. It shall be the duty of every veterinarian practicing within the city to report to the animal control officer or the police department, the name and address of the owner of any animal treated for bites or wounds inflicted by another animal, together with all available information necessary for rabies control.
- F. Animals suspected of having rabies or that have bitten any person or domestic animal and having an uncertain vaccination status shall be impounded in solitary confinement and under observation for a period of not less than ten (10) days. If there is doubt that the animal has been effectively vaccinated against rabies, it shall be vaccinated no earlier than the tenth day of its hold and shall not be released until vaccinated. All expenses incurred as a result of this section shall be paid by the owner, custodian or keeper of the animal before the animal is released.
- G. Killing of Vicious Animal Which Cannot Be Safely Captured or Kenneled. Any at large animal suspected of having rabies or any animal that has bitten a person or animal may be

slain by any animal control officer or police officer if it cannot be safely taken up, impounded, and cared for.

H. Any owner, keeper or custodian that violates the provisions of this section shall be punished as follows:

1. Any person convicted under this section shall be punished as provided in Section 1.20.010(A) of this code; however, upon conviction of a second or subsequent offense the violator shall be fined a minimum of two thousand six hundred fifty dollars (\$2,650.00) and such minimum fine shall not be suspended in whole or in part.
2. Owners convicted under this section shall be required to provide proof of liability insurance to the court within a timeframe as ordered by the court to insure against damage or injury caused or which may be caused by such animal in an amount of at least three hundred thousand dollars (\$300,000.00) or the animal shall be surrendered to an animal control officer or police officer for impoundment.
3. The court may order restitution for any damages caused by a domestic animal under this section.
4. (a) The court may issue an order prohibiting ownership of the offending dog(s) within the city limits for any violation of Section 6.04.040 or Section 6.04.050 of this code.  
(b) The court shall issue an order prohibiting ownership of the offending dog(s) within the city limits if a violation of Section 6.04.040 or Section 6.04.050 of this code resulted in serious bodily injury to or death of a person or domestic animal.

**Section 3. Remaining provisions.** Except as specifically amended hereby, all other provisions of the Leadville Municipal Code shall continue in full force and effect.

**Section 4. Codification Amendments.** The codifier of Leadville's Municipal Code is hereby authorized to make such numerical, technical and formatting changes as may be necessary to incorporate the provisions of this Ordinance within the Leadville Municipal Code.

**Section 5. Severability.** Should any one or more sections or provisions of this ordinance or enacted hereby be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

**Section 6. Repeal.** Any and all ordinances or codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such ordinance or code or part thereof shall not revive any other section or part of any ordinance or code provision heretofore repealed or superseded and this repeal shall not affect or prevent the prosecution or punishment of any person for any act done

or committed in violation of any ordinance or code hereby repealed prior to the taking effect of this ordinance.

INTRODUCED, READ, APPROVED AND ORDERED PUBLISHED in full on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Greg Labbe, Mayor

ATTEST:

\_\_\_\_\_  
Bethany Maher, City Clerk

PUBLISHED in full in The Herald Democrat, a newspaper of general circulation in the City of Leadville, Colorado, on \_\_\_\_\_, 2017.

PASSED AND ADOPTED ON FINAL READING AND ORDERED PUBLISHED BY TITLE ONLY, with any amendments, this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

CITY OF LEADVILLE, COLORADO

\_\_\_\_\_  
Greg Labbe, Mayor

ATTEST:

\_\_\_\_\_  
Bethany Maher, City Clerk

PUBLISHED in full, as amended, in The Herald Democrat, a newspaper of general circulation in the City of Leadville, Colorado, on \_\_\_\_\_, 2017.